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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,132

06/25/2004

Guenter Hess

4651 0098

7375

7590

06/12/2006

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/500,132

Applicant(s)

HESS, GUENTER

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/25/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 13-15 are objected to because the “a sealing element” (claim 13, line 4) is inferentially recited. Additionally, there is no proper antecedent basis for “said sealing element” (claims 14 and 15, lines 1 and 2).

To the extent the claims are definite and a positive recitation of the structure, it appears that the following prior art rejection is proper.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the disclosure fails to teach any specific structure for controlling the device “by one of the printing or finishing unit and the printing machine”.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Buschulte et al. (US 5,797,326).

With respect to claim 9, Buschulte et al. teaches a device for dusting a printed sheet having a nozzle 40 for blowing powder 2 onto the sheet and an impression cylinder or a conveyor cylinder 12 which is disposed to receive the sheet from the printing and moves the printed sheet past the nozzle as shown in Fig. 11a. With respect to claim 10, Buschulte et al. teaches the conveyor cylinder which is directly after the sheet guide cylinder or the transport cylinder 19 as shown in Figs. 11a and 11b. With respect to claim 12, the device of Buschulte et al. is inherently controlled by the printing press since Buschulte et al. teach the "method for applying spacing material to a sheet printed by a printing press" (Buschulte et al., col.1 lines 55-62).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 13-15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Buschulte et al. (US 5,797,326) in view of Jackson et al. (US 6,843,763).

With respect to claims 13-15, Buschulte et al. teaches a device for dusting a printed sheet having substantially the structure as recited. Buschulte et al. does not clearly teach the conveyor cylinder which has a receptacle which is substantially sealed by a sealing element. Jackson et al. teaches the conveyor cylinder 90 which has a receptacle (no numeral reference) which contains the sheet gripper 80 and is sealed by a sealing element 92 as shown in Fig.3 of Jackson et al. In view of the teaching of Jackson et al., it would have been obvious to one of ordinary skill in the art to modify the conveyor cylinder of Buschulte et al. by substituting the conveyor cylinder as taught by Jackson et al. for ensuring optimal print quality of the printed sheets in place of the conveyor 12 of Buschulte et al. With respect to claim 11, the use of a conveyor cylinder and a transport cylinder which lie substantially horizontal is well known in the art as exemplified by Jackson et al. For example, Fig.2 of Jackson et al. shows the conveyor cylinder 34 and the transfer cylinder 36 which lie substantially in a horizontal plane.

Claim 16 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Buschulte et al. (US 5,797,326) in view of Hess (DE 197 07 157 A 1).

Buschulte et al. teaches a device for dusting a printed sheet having substantially the structure as recited except the nozzles which are disposed behind a slit diaphragm. Hess teaches a powder dusting device having nozzles 9 disposed behind a slit diaphragm 27 or 37 as shown in Figs.3 and 4 of Hess. In view of the teaching of Jackson et al., it would have been obvious to one of ordinary skill in the art to modify the dusting device of Buschulte et al. by substituting the dusting device as taught by Hess to permit more precise control in the amount of powder to

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be used during the blowing powder onto the printed sheet operation in place of the dusting device 40 of Buschulte et al..

***Conclusion***

The patents to Leib et al., Calbrix et al. and Schaede are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (571) 273-8300.



Anthony Nguyen  
6/7/2006  
Patent Examiner  
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